



Legal Update

February 12, 2010

An Act Relative to Harassment Prevention Orders **Chapter 23 of the Acts of 2010**

On February 9, 2010 Governor Patrick signed legislation¹ that provides criminally enforceable protective orders to victims of harassment and sexual abuse, regardless of whether the victim and the attacker have a relationship. Prior to this new law, a victim of abuse could petition for a protective order only if the abuser was a family member, someone living in the victim's home, or someone with whom the victim had a "substantial dating relationship." The new law allows a victim to obtain a civil protective order against a menacing stranger or acquaintance.

The new Chapter 258E defines "Harassment" as:

- (i) 3 or more acts of willful and malicious² conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to property and that does in fact cause fear, intimidation, abuse or damage to property; or
- (ii) an act that:
 - (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or
 - (B) constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 or 43A of chapter 265 or section 3 of chapter 272.

The processes for obtaining and enforcing a harassment order are similar to a 209A order. Please use the following link to the new law:

[Act Relative to Harassment Prevention Orders.doc](#)

¹ Effective in 90 days.

² Chapter 258E defines "malicious" as "characterized by cruelty, hostility or revenge."

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